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IN THE

Supreme Court of the United States

Sitting in Equity.

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No. ~~24~~, Original.

October Term, 1919.

THE STATE OF OHIO, *Complainant,*

vs.

THE STATE OF WEST VIRGINIA, *Defendant.*

MOTIONS OF DEFENDANT FOR CONSOLIDATION, APPOINTMENT OF COMMISSIONER AND OTHER DIRECTIONS.

IN THE

Supreme Court of the United States

Sitting in Equity.

No. 24, Original.

October Term, 1919.

THE STATE OF OHIO, *Complainant,*

vs.

THE STATE OF WEST VIRGINIA, *Defendant.*

MOTIONS OF DEFENDANT FOR CONSOLIDATION, APPOINTMENT OF COMMISSIONER AND OTHER DIRECTIONS.

The Defendant, the State of West Virginia, respectfully moves this Honorable Court:

1. To consolidate this cause with the cause of The Commonwealth of Pennsylvania v. The State of West Virginia, No. 23 Original, October Term, 1919.

2. In case such consolidation be ordered, to appoint a commissioner in said consolidated causes, or in case such consolidation be not ordered, to appoint a commissioner in this cause, to take and return the testimony, evidence and proofs by the respective parties to be adduced and given in evidence on the hearing, such commissioner to have for the purposes aforesaid the powers of a master in chancery as provided in the rules of this Court, and said testimony, evidence and proofs, upon the

return thereof, to be opened and filed by the Clerk, and by him caused to be printed for the use of this Court and the parties.

3. To fix the times within which the testimony, evidence and proofs shall be taken and concluded by the respective parties.

4. To direct the commissioner to return the testimony, evidence and proofs of the plaintiffs or plaintiff in chief upon the conclusion thereof, the testimony, evidence and proofs of the defendant upon the conclusion thereof, the testimony, evidence and proofs in rebuttal upon the conclusion thereof, and the testimony evidence and proofs in surrebuttal upon the conclusion thereof; and when and as each thereof shall be returned the same to be printed as above directed.

5. To require such deposit or deposits for fees, costs and expenses of the commissioner and the clerk as this Court may deem proper.

6. To make or give such other or further orders or directions as may be necessary or proper to bring said consolidated causes, in case such consolidation be ordered, or to bring this cause, in case such consolidation be not ordered, to final hearing.

EDWARD T. ENGLAND,
Attorney General of West Virginia.

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Of Counsel.